

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

JAMES N. McKELVEY,

Plaintiff,

Hon. John Corbett O'Meara

v.

Case No. 07-14538

PETE GEREN, SECRETARY  
OF THE UNITED STATES ARMY,

Defendant.

---

**ORDER DENYING DEFENDANT'S  
MOTION FOR RECONSIDERATION**

Before the court is Defendant's motion for reconsideration of this court's April 1, 2009 order denying Defendant's motion for summary judgment. Pursuant to L.R. 7.1(g)(2) (E.D. Mich. Sept. 8, 1998), no response was ordered and no oral argument was heard. The standard for granting motions for reconsideration is as follows:

Generally, and without restricting the court's discretion, the court will not grant motions for rehearing or reconsideration which merely present the same issues ruled upon by the court, either expressly or by reasonable implication. The movant shall not only demonstrate a palpable defect by which the court and the parties have been misled but also show that correcting the defect will result in a different disposition of the case.

LR 7.1(g)(3).

Having filed a motion for reconsideration that presents the same issues ruled upon by the court, Defendant has failed to demonstrate a palpable defect by which the court and the parties have been misled. Accordingly, IT IS HEREBY ORDERED that Defendant's April 13, 2009

motion for reconsideration is DENIED.

s/John Corbett O'Meara  
United States District Judge

Date: July 22, 2009

I hereby certify that a copy of the foregoing document was served upon the parties of record on this date, July 22, 2009, by electronic and/or ordinary mail.

s/William Barkholz  
Case Manager